

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to FIGS. 15d and 15e. This sheet replaces the original sheet including FIGS. 15c, 15d, and 15e. In FIG. 15d, the leader line from reference character "10" towards figure 15e has been removed. In FIG. 15e, reference character "10" and its associated leader line have been added.

REMARKS

Claims 1-13, 15-27, and 29-33 were presented for examination in the present application. The instant amendment adds new claims 34-38. Thus, claims 1-13, 15-27, and 29-38 are pending upon entry of the instant amendment.

The Office Action objected to the drawings. Figures 15d and 15e have been amended to each include reference character "10". The specification has been amended to change reference character "13.1" to "12.1", for the undercut region of the nut in Figure 9. Applicants respectfully submit that the above amendments obviate the objections to the drawings. Reconsideration and withdrawal of the objections are respectfully requested.

Claims 1-13, 15-27, and 29-33 were rejected under 35 U.S.C. §103 over any one of U.S. Patent Nos. 4,790,574 to Wagner et al. (Wagner), 3,944,265 to Hiemstra et al., 5,131,698 to Calmettes (Calmettes) 5,383,496 to Bridges (Bridges), 4,049,298 to Foti (Foti) and 5,362,107 to Bridges (Bridges '107) in view of Brandram.

The Office Action acknowledges that none of the primary references (i.e., Wagner, Hiemstra, Calmettes, Bridges, Foti or Bridges '107) disclose or suggest a gap being saddled by a sliding cross piece. Rather, the Office Action asserts that it would be obvious to combine each of these primary references with the sliding cross piece of Brandram.

Applicants respectfully submit that there is no motivation to combine any of the primary references with Brandram.

The Office Action asserts that the motivation to combine the primary references with Brandram is to provide a tight joint under high pressures. However, each of the primary references already provides for ways to prevent leaks without the need for the sliding cross piece of Brandram.

For example, Wagner and Hiemstra deform the band clamp onto the pipes to prevent leaks. Calmettes discloses a complementary sealing member that eliminates residual leaks. Bridges and Bridges '107 discloses a complex system requiring a pair of arcuate gaskets and a sealing plate having a pair of sealing pads and a circumferential sealing material, while Foti discloses a strip of sealant over the gap.

A reference that teaches away from the claimed invention is a significant factor to be considered in determining obviousness. MPEP 2145.D.1; see *In re Gurley*, 31 USPQ2d 1130 (Fed. Cir. 1994).

Since each of these primary references already provides for a system that prevents leaks, it is submitted that each reference teaches away from the proposed modification to include the sliding cross piece of Brandram to prevent non-existent leaks. There is simply no motivation for one skilled in the art to look for additional ways to modify these references to prevent leaks.

Furthermore, Applicants respectfully submit that there is no motivation to combine Wagner or Hiemstra with Brandram.

Wegner discloses a clamp 70 arrangement that seals about tubes 96 by providing a relatively thin band 72 that fully conforms to tubes 96, leaving no bulges or indentations. See col. 6, lines 64-66. Thus, Wegner discloses conforming the band itself about the tubes.

Similarly, Hiemstra discloses a method and apparatus for joining two tubular members in a strong, leak-proof fashion in which a band of ductile metal is passed around the adjacent ends of the members and circumferentially stressed beyond its elastic limit to conform intimately with the outer surfaces of the members throughout practically their entire circumstances.

Brandram discloses a bridge piece or plate of metal coated with bitumen. Pressure exerted by the band forces the bitumen into the surfaces of the pipes so that perfect cohesion between the pipes and bitumen is obtained. See page 2, lines 1-30. Thus, Brandram discloses using a bridge plate coated with sealing material to seal about the tubes.

It is respectfully submitted that insertion of the bridge plate of Brandram would defeat the purpose of Wegner and Hienstra. Specifically, it is submitted that insertion of a bridge plate into the device of Wegner would cause the thin band to bulge about the bridge plate, defeating the purpose of Wegner, which fully conforms to the tubes. Additionally, insertion a bridge plate into the device of Hienstra would cause the band of ductile metal to conform about the bridge plate, defeating the purpose of Hienstra, which conforms intimately with the outer surfaces of the members.

Accordingly, it is submitted that combining Hienstra or Wegner with Brandram would defeat the purpose of Hienstra and Wegner.

For at least the reasons set forth above, it is respectfully submitted that there is simply no motivation to combine any of the primary references with Brandram to result in the simple combination of claim 1. Thus, claim 1 is believed to be in condition for allowance. Claims 2-13, 15-27, and 29-33 are also believed to be in condition for allowance for at least the reason that they depend from claim 1. Reconsideration and withdrawal of the rejections to claims 1-13, 15-27, and 29-33 are respectfully requested.

Claims 34-38 have been added to point out various aspects of the present application. Support for new claims 34-38 can be found at least in original claims 1-33.

Claims 34-38 are believed to be in condition for allowance.

For example, independent claim 34 requires a sliding crosspiece that saddles said gap and slides under said two free ends. As discussed above, the Office Action

acknowledges that none of the primary references disclose or suggest the claimed sliding crosspiece. In addition, claim 34 recites that the sliding crosspiece has a thickness of 0.2 mm to 0.3 mm and is made of a high-strength material. It is respectfully submitted that the specific thickness and materials recited by claim 34 are also not disclosed or suggested.

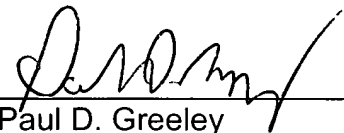
Independent claim 35 recites both "a sliding crosspiece saddling said gap and having edges that slides under said two free ends" and "a seal arrangement positioned between said edges of said sliding crosspiece and an edge of an associated impression in said clamping band". It is respectfully submitted that the claimed seal arrangement and associated impression in the clamping band are not disclosed or suggested by the cited art.

Accordingly, claims 34 and 35, as well as claims 36-38 that depend therefrom, are believed to be in condition for allowance.

It is respectfully submitted that the present application is in condition for allowance. Such action is solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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